

SERVICE DATE - NOVEMBER 20, 2003

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-318 (Sub-No. 4X)

LOUISIANA & DELTA RAILROAD, INC.–ABANDONMENT
EXEMPTION–IN LAFOURCHE AND ASSUMPTION PARISHES, LA

Decided: November 19, 2003

By decision served August 26, 1997, Louisiana & Delta Railroad, Inc. (L&D) was granted an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a line of railroad known as the Napoleonville Branch, extending from milepost 1.0 near Thibodaux, Lafourche Parish, LA, to milepost 15.28 near Supreme, Assumption Parish, LA, a distance of 14.28 miles. The abandonment was made subject to employee protective, public use,¹ and environmental conditions. By decision and notice of interim trail use or abandonment (NITU) served on October 24, 1997, the Board reopened the proceeding and granted to American Trails Association, Inc. (ATA), a 180-day period to negotiate an interim trail use/rail banking agreement with L&D for the right-of-way. On that same date, the Board was advised by letter that L&D and ATA had successfully negotiated an agreement for the transfer of the right-of-way.

On November 5, 2003, ATA and Bayou Land Properties (Bayou) (collectively, petitioners) jointly filed a petition requesting the Board to: (1) vacate the existing NITU for that portion of the right-of-way between milepost 1.0 near Thibodaux and milepost 5.7 near Leighton, Lafourche Parish, LA, a distance of 4.7 miles; and (2) issue an appropriate replacement NITU substituting Bayou in lieu of ATA as the interim trail manager for that portion of the line.² Petitioners have submitted a copy of the extant NITU and a statement of willingness to assume financial responsibility by the new trail manager.

Petitioners' submission is in compliance with the requirements of 49 CFR 1152.29(f). Therefore, this proceeding will be reopened and the requested relief will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The public use condition expired on March 24, 1998.

² ATA states that it will continue to be the trail operator of the remainder of the former L&D right-of-way, between milepost 5.7 and milepost 15.28.

It is ordered:

1. This proceeding is reopened.
2. The NITU served October 24, 1997 is vacated with respect to that portion of the line between milepost 1.0 and milepost 5.7.
3. A replacement NITU, effective on the service date of this decision, is issued for that portion of the line between milepost 1.0 and milepost 5.7, designating Bayou as the new trail manager.
4. The new trail user is required to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.
5. Interim trail use/rail banking is subject to the future restoration of rail service and to the new user continuing to meet the financial obligations for the right-of-way.
6. If the new trail user intends to terminate trail use, it must send the Board a copy of this NITU and request that trail use be vacated on a specified date.
7. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary